

EX PARTE OR LATE FILED

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

**RECEIVED & INSPECTED
APR 29 2004
FCC - MAILROOM**

**In the Matter of
ASAP Paging, Inc.
Petition for Preemption of
Public Utility Commission of Texas
Concerning Retail Rating of Local Calls
to CMRS Carriers**

ORIGINAL

WC Docket 04-6

**MOTION TO ACCEPT REPLY COMMENTS AS TIMELY FILED
OR IN THE ALTERNATIVE TO ACCEPT LATE-FILED REPLY COMMENTS**

ASAP Paging, Inc. ("ASAP") respectfully submits this Motion to Accept ASAP's Reply Comments Timely Filed or in the Alternative to Accept Late-filed Reply Comments.

The Commission established April 23, 2004 as the date for Reply Comments in this proceeding. ASAP attempted to submit its reply comments in this proceeding on Friday, April 23, 2004, at approximately 7:58 pm (EST), using the Electronic Comments Filing System (ECFS). ASAP encountered a problem in this process, presumably because of the size of the files ASAP was submitting as attachments.

Prior to submitting its reply comments ASAP contacted the ECFS Help Center and the FCC's reference room regarding the ability of the system to accept large electronic files. ASAP was informed that there should be no problem with the system, and it could accept large files. For some reason, however, the system was unable to process ASAP's entire filing.

Ultimately, ASAP did manage to upload its Reply Comments (without attachments). ECFS gave a confirmation that the material was successfully received. See Attachment 1. ASAP checked ECFS the next working day (Monday, April 26, 2004) and determined that for some reason the Reply Comments were not processed. ASAP also attempted again, and ultimately

No. of Copies rec'd 0
List ABCDE

succeeded in uploading its Reply Comments and all attachments. The Confirmation is Attachment 2.

ASAP has been in contact with Commission personnel in the FCC reference room and the ECFS help desk. They have indicated that both ASAP's April 23 and April 26 uploads were in fact received, but could not be processed by the system. ASAP is therefore submitting a hard copy of the Reply Comments and attachments and this Motion to Accept Comments as Timely Filed or in the Alternative to Accept Late-filed Reply Comments.

ASAP did in fact attempt, and in fact succeeded, in submitting its Reply Comments by the deadline. ECFS, received, but could not process the files, however. ASAP requests that its Reply Comments be deemed to have been timely filed. In the alternative, ASAP requests that the Commission accept the Reply Comments on a late-filed basis. ASAP would suggest that no party has been or will be harmed as a result of considering ASAP's Motion to Accept as Timely Filed its Reply Comments or in the Alternative to Accept ASAP's Motion to Accept its Reply Comments as Late-Filed. CenturyTel and TPUC were timely served with a copy of ASAP's Reply Comments before the ECFS problem was detected. A full and complete hard copy of the Reply Comments and Attachments are appended hereto.

Respectfully Submitted,

ASAP PAGING, INC.

W. Scott McCollough

Texas State Bar No. 13434100

e-mail: wsmc@scmplaw.com

David Bolduc

Texas State Bar No. 02570500

e-mail: dbolduc@scmplaw.com

STUMPF CRADDOCK MASSEY & PULMAN, PC

1250 Capital of Texas Highway South

Building One, Suite 420

Austin, Texas 78746

512/485-7920

512/485-7921 FAX

By: 

W. Scott McCollough

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record below to the above-styled cause, on this 27th day of April, 2004.

Brook Bennet Brown
McGinnis, Lockridge & Kilgore
919 Congress Avenue, Suite 13001
Austin, Texas 78701
(without attachments)

John R. Hulme
Asst. Attorney General
Natural Resources Division
P.O. Box 12548, Capitol Station
Austin, TX 78711-2548
(without attachments)

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Washington, DC 20554

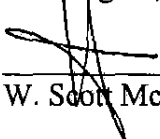
Carrick Inabnett
Associate Corporate Counsel
CenturyTel, Inc.
100 Century Park Drive
Monroe, LA 71203
(without attachments)

Victoria Schlesinger
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Karen Brink
Jeffrey A. Marks
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20554

Chief, Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, SW – Room 5-A221
Washington, DC 20554

Qualex International
The Portals
445 Twelfth Street, SW – Room CY-B402
Washington, DC 20554



W. Scott McCollough

ATTACHMENT 1



The FCC Acknowledges Receipt of Comments From ...
ASAP Paging, Inc.
...and Thank You for Your Comments

Your Confirmation Number is: '2004423740290 '

Date Received: Apr 23 2004

Docket: 04-6

Number of Files Transmitted: 1

DISCLOSURE

This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing.

Filers are encouraged to retrieve and view their filing within 24 hours of receipt of this confirmation. For any problems contact the Help Desk at 202-418-0193.

[Initiate a Submission](#) | [Search ECFS](#) | [Return to ECFS Home Page](#)

navigation bar with links to FCC Homepage, Search

updated 02/11/02

ATTACHMENT 2



The FCC Acknowledges Receipt of Comments From ...
ASAP Paging, Inc.
...and Thank You for Your Comments

Your Confirmation Number is: '2004426753927 '

Date Received: Apr 26 2004

Docket: 04-6

Number of Files Transmitted: 3

DISCLOSURE

This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing.

Filers are encouraged to retrieve and view their filing within 24 hours of receipt of this confirmation. For any problems contact the Help Desk at 202-418-0193.

[Initiate a Submission](#) | [Search ECFS](#) | [Return to ECFS Home Page](#)

navigation bar with links to FCC Home page, Search

updated 02/11/02